

Unite response to Women and Equalities Committee inquiry: Unequal impact – Covid-19 and equality

This submission is made by Unite, the UK's largest trade union with over one million members across all sectors of the economy including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.

Executive Summary

- It is clear that the structural inequality, discrimination and entrenched disadvantage faced by women, Black and Asian Ethnic Minority workers, disabled and LGBT+ workers and others with a protected characteristic under the Equality Act have meant an unequal exposure and impact of the past decade and now of Covid-19 – both directly and indirectly – in its consequences.
- Women and Black and Asian Ethnic Minority workers are over-represented in the low paid and under-valued occupations and sectors that our society is now finding essential. These are also the occupations and sectors where there continues to be a high risk factor. The structural inequality faced by Black and Asian Minority Ethnic workers must be part of the government's inquiry into the disproportionate deaths of those from BAEM backgrounds.
- Unite believe crucial steps in protecting workers are the need for the proper provision of PPE, the increased coverage of and raising the level of Statutory Sick Pay so that workers are safe at work and are not compelled to go into work when they should be self-isolating.
- Unite supports the proposals from the TUC for a standard led return to workplaces – this and the need for the safety of workers and their families to remain paramount demands a strengthening of individual employment and collective trade union rights to give people the security at work they need and would enable them to raise health and safety concerns.
- The structural inequality in the labour market and society make amendments the CJRS more flexible an equality as well as economic issue and failure to do so risks detriment to women in particular, making it harder for them to retain employment. As we know that those who face greater discrimination in the labour market and society find it harder to gain and retain

employment there must also be a strengthening of Access to Work for disabled people and action on other measures that can close the disability employment gap.

- The public health crisis and its economic impact demand universal access to public services and social security to ensure people's safety and justice. This includes meeting the funding needs of social care, domestic violence providers, ending the charges and barriers that migrants face and raising the level of Universal Credit and benefits, as well as expanding coverage.

Introduction

1. Unite members have deep concerns about their health, the health of their families and friends, and concerns about the future and what it holds for them, their jobs, their families and communities. Unite are also concerned that we must not allow a public health crisis to become an economic crisis. It is clear that the measures necessary for protecting people's health are already severely impacting upon the economy, jeopardising the jobs, incomes and livelihoods of many. Unite estimates there are approximately 100,000 women members continuing to carry out essential work. Unite has heard from representatives of those women members and our Black and Asian Ethnic Minority, Disabled and LGBT+ members through the industrial and equality democratic structures of Unite. The inequality of our society means that the impact of this public health crisis and the potential slide into economic collapse is being felt by those on lower incomes and the most disadvantaged the hardest. This must be addressed by the Government, with them taking the actions necessary to protect people's health and their future by building a more equal society.
2. In finding the appropriate solutions and policy interventions at this time and over the coming weeks, months and possibly years in terms of the health, social and economic repercussions there needs to be a proper acknowledgement of where we are. As a country we do not start from a position of strength in terms of the overall economic situation and its ability to withstand shocks and the low financial resilience of households as a direct result of Government policies, in particular since 2010. The last decade in particular saw an increase in insecure and low paid work and its spread across economic sectors and deep cuts in funding to public services, an increase in privatisation and outsourcing. The not-for-profit sector has suffered from cuts to its contracted support services.
3. Unite has always taken a leading role in fighting the deep and structural sex and race discrimination in our labour market. While the virus does not discriminate it is clear that the structural inequality, discrimination and entrenched disadvantage faced by women, Black and Asian Ethnic Minority workers, disabled workers, LGBT+ workers and others with a protected characteristic under the Equality Act have meant an unequal exposure and impact of the past decade and now of Covid-19 – both directly and indirectly – in its consequences. Most tragically this has seen the higher proportion of deaths of Black and Asian Ethnic Minority workers.

4. Unite has produced a Unite Equalities Covid-19 ‘Checklist for Action’ setting out the vital need for Equality Impact Assessments to be carried out. These are necessary to ensure that all are protected through Covid-19 measures, that caring responsibilities are valued and protected, that there is protection for all when self-isolating, and that steps are taken to ensure Covid-19 does not intensify existing discrimination. Unite has submitted this checklist to the Committee also.
5. In this submission Unite has outlined that the greater exposure to the risk and impact of Covid-19 is being felt unequally because of our deeply and structurally unequal labour market and society; that there is an urgent need to bring security to people’s jobs, earnings and livelihoods and that security is fundamental to our health, safety and well-being. Finally, there is a need to ensure universal access to our social security and public services as part of ensuring everyone has access to safety and justice.

Greater exposure to the risk and impact of Covid-19 because of our structurally unequal labour market

6. TUC analysis has previously shown how Black and Asian Ethnic Minority workers are much more likely to be trapped on agency, zero hours and temporary contracts¹ and there is an ethnicity pay gap with those from Black and Asian Ethnic Minority backgrounds typically paid less than White colleagues. The recent Runnymede Trust report ‘The Colour of Money’ details the economic inequality in greater detail, outlining that Black and Asian Ethnic Minority workers are more likely to be in insecure employment or to become unemployed. They are more likely to be held back from progressing as quickly or as much at work and they are disciplined more often, and more likely to be delegated menial tasks at work².
7. As well as the labour market being horizontally segregated, with women and Black and Asian Minority workers being over represented at the lower rungs across sectors we also know the labour market is segregated vertically. Women continue to be concentrated in the five ‘Cs’ of cleaning, catering, clerical (admin), cashiering (retail) and caring work. The impact of this, as set out by the think-tank Autonomy is that 22 of the 28 occupations that have a ‘High Risk’ factor associated with Covid-19 are classified as key workers, and 77% of this high risk workforce are women. The average pay is below the median weekly wage and 1 million of these jobs pay poverty wages – with 98% of those on poverty pay and at high risk being women³.
8. We also know that of the eight critical sectors identified by the government, there is a higher representation of Black and Asian Minority workers in four – health and social care, education

¹ TUC, April 2019 – BME workers far more likely to be trapped in insecure work TUC analysis reveals. Please see <https://www.tuc.org.uk/news/bme-workers-far-more-likely-be-trapped-insecure-work-tuc-analysis-reveals>

² The Runnymede Trust, April 2020 – The Colour of Money. Please see <https://www.runnymedetrust.org/projects-and-publications/employment-3/the-colour-of-money.html>

³ Autonomy, March 2020 – The Jobs at Risk Index. Please see <https://autonomy.work/portfolio/jari/#1585136754097-c3a84246-300f>

and childcare, food (retail, production, processing and distribution) and transport. Unite would highlight passenger transport in particular in this final sector. In other sectors, such as social care, we know there are a high number of Black and Asian Ethnic Minority and migrant women.

9. Analysis by the Resolution Foundation is supported by the experience of Unite across different industrial sectors, that *“across the distribution of weekly pay, or through the lens of occupation and sector, being able to work from home is very much a higher-paid phenomenon. The implication is that as with the sectors most at risk from immediately reduced demand, broader reductions in the ability to be physically present at work put the hours and jobs of lower earners at threat the most”*⁴.
10. Unite would also highlight that many of these critical sectors and the workforce now being placed at higher risk and recognised as essential and valued workers are also the workforce that experience – as well as the low pay highlighted above - higher levels of insecurity and are therefore less able to assert their rights at work, and experience poorer terms and conditions generally. These are workers who have regularly been denigrated as ‘low skilled’ and who are told they need to ‘work their way out of poverty’ are the ones that society as a whole is most reliant upon. This should provide a wake-up call and a recalibration of the jobs we value as a society and to ensure that all workers are treated with dignity, respect, security and receive a secure a real living wage. This is discussed in more detail below.
11. Immediately, the concentration of women and Black and Asian Ethnic Minority workers in these occupations and critical sectors give the following actions an equalities dimension that must be recognised. Unite has called for a Cabinet Minister to be given specific responsibility for co-ordinating the manufacture and provision of Personal Protective Equipment (PPE) and its distribution and for testing and tracing. Unite continues to hear from members across our industrial sectors where they are performing essential work that not only are workers not being given sufficient PPE, there are continued issues around lack of training in how it should be used effectively, that it does not fit properly and of out-of-date PPE. Unite welcome the appointment of a ‘tsar’ as a step in the right direction but it remains to be seen if this will have the necessary political weight such a crucial role demands and to resolve this national scandal.
12. Unite believe the Covid-19 crisis has, and will continue to, expose how inadequate the rights and protections workers in this country have. Statutory Sick Pay (SSP) should be increased so that it is at an equivalent level to a real living wage and should continue to be paid from day one, with the lower earnings threshold abolished. Many of those falling below the lower income threshold are women. For a two week period of self-isolation on SSP in the UK at the current rate you will receive £188.50. The average weekly wage is £471⁵, meaning that SSP is on average 20% of a person’s wage. Over two weeks this is potentially an average loss of

⁴ Resolution Foundation, March 2020, Doing What it Takes. It can be accessed online at: <https://www.resolutionfoundation.org/app/uploads/2020/03/Doing-what-it-takes.pdf>

⁵ ONS, 17th March 2020, Average Weekly Earnings in Great Britain March 2020

£753.50. Further, the TUC have suggested that figures show that 7.2 million employees (26%) are only entitled to SSP⁶. Many households will not be able to cope with such a drop in income. Unite has voiced concerns that workers who are experiencing symptoms and are worried about their health are nevertheless forced to go to work because they cannot afford not to. This is an appalling situation that no-one should find themselves in.

13. Unite has also written to the Government requesting the resolution of the discrepancy between HMRC guidance and the Treasury Direction on whether workers on SSP can be furloughed – HMRC says they can be, and is the more straightforwardly fair and should therefore be the solution implemented. This will affect the security of workers having to self-isolate and shield, including those doing so because they or a member of their household has a medical condition that requires them to do so.
14. There are currently 8 million people living in poverty despite being part of a working household, with 70 per cent of children living in poverty are in households where at least one adult works, and child poverty stands at 4.1 million⁷. The consequence of over-representation in lower paid sectors and occupations of women and Black and Asian Ethnic Minority workers is a higher incidence of poverty. For Black and Asian Ethnic Minority workers this leads to them being more likely to be living in overcrowded and/or poor quality housing and to live in urban areas with poorer air quality. All of these are factors that lead to higher incidents of poor overall health and a higher incidence of conditions such as diabetes and hypertension – conditions that are more likely to cause complications with Covid-19 and increase the risk of people dying. The remit of the Government inquiry looking at the higher incidence of Black and Asian Ethnic Minority deaths must include the impact of the structural inequality that those communities experience.

Protecting people's jobs, livelihoods and bringing security to work and earnings

15. The governments Covid-19 Job Retention Scheme (CJRS) was a watershed moment in demonstrating that it is possible for government to intervene to protect people, their jobs and their livelihoods. The challenge now is to ensure that support continues for as long as it is needed to limit the depth of the slide into economic recession that we now face and to iron out some of the specific issues that have arisen since the CRJS was announced. As above, because of the position women and Black and Asian Ethnic Minority workers occupy in the labour market and the structural inequality experienced these issues are equality issues.
16. There is a specific issue which has arisen for nursery and childcare providers who receive funding via contracts from public sources, making them unable to claim and put workers on furlough. This jeopardises the future provision of childcare as providers struggle without this support making it even harder for working parents to access – disproportionately affecting women's ability to work. This loophole should be closed to allow those providers to claim.

⁶ TUC analysis using DWP figures

⁷ TUC, 28th March 2019, blog: Our Broken Economy has Locked Millions of Workers into Poverty. It can be accessed online at: <https://www.tuc.org.uk/blogs/our-broken-economy-has-locked-millions-workers-poverty-heres-how-fix-it>

17. Secondly, as childcare services and nurseries who do begin their return to work it is likely to be phased. The government's job retention scheme currently only provides full-time furlough – this should be made more flexible to fit in with phased returns to work. If full-time furloughing remains the only option available this could damage the progress made towards equalising caring responsibilities with women being more likely to be forced back into full-time caring roles. The Runnymede Trust have also pointed out they believe that Black and Asian Ethnic Minority workers are less likely to have benefitted from the furlough scheme because of the higher representation amongst the temporary workforce. Unite support the TUC calls for the CJRS to be made more flexible, for its extension and for support to taper off over a period of time alongside additional measures to rebuild the economy, rather than come to an abrupt end. In this way we can ensure those on furlough are able to return to jobs that continue to exist
18. There is a concern that as economic conditions worsen those who already face discrimination in the labour market will find it hardest to retain and to gain employment. Women already experience unacceptably high levels of pregnancy and maternity discrimination – with the EHRC previously reporting that 54,000 women are forced out of their work because of pregnancy and maternity discrimination every year. The organisation Maternity Action have reported a large increase in calls to their support line on Covid-19. Unite believe the message from government to employers needs to be clear – that existing regulations and rights during pregnancy and maternity continue to be in force; that employers have a duty to assess workplace risks that includes specific risks to pregnant women and those recently given birth. As pregnant women are classified as vulnerable they must therefore be prioritised for working from home and furlough. It must also be made clear that employers continue to have a responsibility to pay Statutory Maternity Pay in full.
19. TUC analysis has found the significant barriers disabled people experience in getting and keeping jobs results in an employment gap of around 30 per cent and a pay gap of approximately 15%⁸. To guard against this an even worsening of this disability employment and pay gap during this period and it's aftermath not only should long recommended actions such as mandatory disabled pay gap reporting be put in place but also measures such as a universal disabled workers reasonable adjustment passport and the expansion in funding, and strengthening, of the Access to Work fund. At the present time there is a need to ensure that reasonable adjustments already agreed by employers with disabled workers are being respected and they are being properly consulted with, rather than assumptions made by employers.

⁸ TUC, November 2019 – Disability Employment and Pay gaps https://www.tuc.org.uk/sites/default/files/2019-11/Disability%20doc%20%28003%29%20%28003%29_2.pdf

Security of work is fundamental to our health, safety and well-being

20. Unite are clear that people's ability to raise issues at work and to assert their rights at work is inextricably linked to their security at work. The TUC report 'Living on the Edge' from January 2018 looked at the rise of workplace insecurity, with 3.2 million workers being classified as insecure at that point, and concentrated on the retail, logistics and delivery and the higher education sectors. As well as finding that casual workers were more likely to be young and Black and Asian Ethnic Minority workers it found that these working practices led to poorer mental health as workers found themselves under strain and struggling with the financial insecurity and inability to plan your life that such work brings⁹.
21. Workers in insecure, temporary, agency and zero and short hour contracts feel less able to raise health and safety issues at work as their future income – and financial situation - is dependent on their compliance. This was a serious issue before the emergence of Covid-19 – it has only heightened in importance now. Unite supports the TUC proposal for a standards led return to work. This also requires workers being able to raise and report problems, dangers and risks where they emerge. While there have been many examples of good employers, there are also many bad employers whose actions can not only jeopardise their workers, but those workers' loved ones and local communities. Migrant workers in particular are at greater risk of not knowing their rights at work, as well as being in insecure work that makes it harder to assert their rights at work.
22. Unite believe any return to work must be organised around a standards led return to work as set out by the TUC in its proposal published on 27th April¹⁰. This puts forward that every employer in the UK be required to carry out a specific Covid-19 risk assessment, developed in consultation with unions and workers. This assessment must include identifying what risks exist in the workplace and setting out specific steps to mitigate them, including through social distancing. Such an assessment should be agreed with the staff trade union, where there is one and be signed off by one of the UK's 100,000 trade union health and safety reps, or by a Health and Safety Executive (HSE) inspector, to ensure it is robust. This should be completed and communicated to workers before they are expected to return to their normal place of work. Unite believe that to not take such an approach will further increase the unequal impact of Covid-19 with tragic results. As highlighted in paragraph 9 – as working from home has largely been a higher paid phenomenon those called back into the workplace first are more likely to be lower-paid workers, and therefore more likely to be women, Black and Asian Ethnic Minority workers.
23. Unite believe that employers have a duty to workers' mental health and well-being and this should be included when assessing workplaces. Crucially this return to work must only occur when it is safe to do so – including not only when infection levels are under control, but when

⁹ TUC, January 2018 – Living on the Edge. Please see <https://www.tuc.org.uk/research-analysis/reports/living-edge-0>

¹⁰ TUC, 27th April – Preparing for the return to work outside the home. Please see <https://www.tuc.org.uk/sites/default/files/2020-04/Preparing%20for%20the%20return%20to%20work.pdf>

there is an operational programme of testing and tracing and when the national scandal of PPE has been resolved.

24. Unite believe the EHRC must issue guidance to employers, drawn up in consultation with trade unions, on meeting their Equality Act obligations during Covid-19 and conduct an Equality Impact Assessment on government policies, actions and legislation.
25. Further, the current crisis and the need for such a standards led return to work has shone a light on the need for greater security in employment relations. Unite has long supported a strengthening of individual employment and collective trade union rights, including classifying all but genuinely self-employed people as employees, ending zero and short hour contracts and strengthening trade union rights to access workplaces and introducing sectoral collective bargaining.
26. As well as trade union Health and Safety representatives, who have statutory rights in their workplace to perform such a crucial role the current crisis also highlights the continued need for statutory rights for trade union Equality representatives to further ensure the equality dimension is built into workplace responses.
27. Unite also believe that workers – and employers - should be made aware of a workers right to not undertake work in dangerous situations. Under Section 44 and Section 100 of the Employment Rights Act individuals who have left the workplace in circumstances of danger, which they reasonably believe is imminent and cannot be averted, are protected from being subjected to a detriment or dismissed. Unite advice is that in circumstances where an employer is refusing or failing to operate safely or in accordance with government guidance (including the requirement for proper PPE), then an individual member would be entitled to withdraw from, and refuse to return to a workplace, that is unsafe and in which he or she believes they are in imminent or serious danger. This allows individuals to remove themselves to a place where that harm no longer exists or until such time as that danger is minimised or averted by the use of much publicised safety precautions to limit the spreading of the Covid-19 virus.
28. It is also the case that essential workers have faced increased harassment in the workplace and heightened levels of aggression where they have public facing roles. This underlines the need for the reinstatement of Section 40 of the Equality Act on employer's duties to prevent harassment from third parties. Women members, who are more likely to have to take public transport to journey to work, have also reported experiencing greater harassment on public transport.

Ensuring universal access to social security, public services, safety and justice

29. As a country we are of course also entering this crisis at a time when our public services, our NHS, local authorities, social care and others have been savaged for a decade with deep cuts in funding. This has weakened the ability of our public services to respond to crises; public service workers were already dealing with extremely high workloads. Unite believe that as part of developing solutions at this time there must be a focus on solutions that strengthen the resilience of the foundations of our economy and of households now and going into the future – addressing the insecurity that many face in their jobs, earnings, and protecting the industries and sectors we need now and into the future and our public services. Unite believe there is an urgent need to ensure that people receive an income they can live on, lower their potential costs and prevent damaging debts. There are very many more households are closer to the financial edge now than when we experienced the impact of the financial crash and the foundations of our economy are even more fragile now compared to then. This makes the case for an ongoing and significant support package to rebuild our economy as a whole and crucially for interventions to support households themselves.
30. As an immediate action in this, as well as an increase to the level of Statutory Sick Pay there should also be an increase in the level of Universal Credit and adjustments made to improve its coverage; including ending the five week wait by providing a grant or other means, ending the two child limit and the benefit cap. Sanctions should not return to the system. Universal Credit, and the wider cuts to the social security system, has in particular harmed women and disabled people over the past decade. This is an opportunity to correct some of the worst impacts of the distortions and cuts in our social security system and to recreate it into a system that promotes equality.
31. One of the impacts of deep cuts to public services and services reliant on underpinning public funding that has been exposed is the cuts that have been made to the violence against women and girls sector. Home is not the safest place for many women – often their workplace has been their safest place. Domestic violence organisations have reported an increase demand for their support – with police charges and arrests increasing by as much as 24% in some areas, but calls to charities such as Women’s Aid have surged by 50%¹¹ - and there is also evidence of an increase in deaths of women because of domestic violence¹². Government funding must be urgently given to this sector – without condition. As part of the package of support the government announced for charities monies some monies were provided for the violence against women and girls sector, yet this was for innovation in online provision. It did not recognise that there is an urgent need for an increase in baseline funding to provide adequate support in every local community. The additional funding for providing greater online support

¹¹ 28th April 2020 - Police Face 'Tsunami' Of Domestic Abuse Reports Once Coronavirus Lockdown Ends. Please see https://www.huffingtonpost.co.uk/entry/police-braced-for-tsunami-of-domestic-abuse-reports-when-coronavirus-lockdown-ends_uk_5ea81a53c5b6dd3f908af0d7?utm_hp_ref=uk-coronavirus

¹² Counting Dead Women, 16th April 2020. Please see Huffington Post article, https://www.huffingtonpost.co.uk/entry/domestic-abuse-women-killed-coronavirus-lockdown-violent-men_uk_5e9866bac5b65eae70a07f5d

can then build on that stronger base – but there is no online substitution for providing a safe refuge for women.

32. Unite LGBT+ members have echoed the Stonewall in raising concerns that during the Covid-19 pandemic for some lesbian, gay, bi and trans people, the risks of homelessness, insecure employment, restricted access to healthcare and other inequalities deepen. In particular, there are concerns over LGBT+ members having to stay at home with homophobic family members or household members. This potentially puts those individuals physical safety at risk but will also have ramifications for their mental health and well-being, and exacerbate feelings of isolation. Funding should be increased to support services and to greater communicate their services.
33. Services such as social care and mental health were long underfunded before the austerity decade – and they are amongst the services that have been seen as ‘easy’ cuts to make over the past ten years. Social care in particular has been unable to cope with the growing demands placed on it for many years – with disabled people and older people being denied the services they require to live independent lives and the health care and support they may need. Disabled people’s organisations and those representing older people have raised concerns that not only has the additional strain placed on the social care system at the present time further denied people the support they require but the relaxation of the rules and standards of social care as part of the emergency Covid-19 legislation put the rights of disabled and older people at risk. The relaxation of the rules over the detention of those with mental health issues has also raised concerns – particularly Black and Asian Ethnic Minority communities that experience higher rates of detention. Such emergency legislation needs to be urgently reviewed.
34. As with the NHS, social care needs a ‘blank cheque’ for the current emergency and provided with sufficient funding that ensures people’s human rights in the future. Social care should be underpinned by the principle of universal provision as in the NHS, and transformed into a Independent Living Service for disabled people and a supportive and enabling health care system for those older people who so need it. Local government services generally need confirmation from government that the Government will meet the extra funding pressures they are facing in meeting the needs of local communities during Covid-19 and that local government will be properly funded going forward, rather than monies being cut again further down the line. Funding and resources should be made available so that councils can meet their obligations. Unite is concerned that instead the approach was taken, as highlighted in paragraph 33, the approach was taken to weaken obligations in cases. This also applies to local councils only having to make ‘reasonable endeavours’ to provide the education, health and care named in a disabled child’s education, health and care plan.

35. Unite also believe that as part of ensuring everyone receives the health care they require the government must end the health care charges levied against migrants, end the no recourse to public funds and to ensure that everyone has full rights and are able to exercise them.

Submitted by

Diana Holland, Assistant General Secretary for Equalities

Unite the Union

For more information, please contact;

Siân Errington, Political Officer

Unite the Union

Sian.Errington@unitetheunion.org

30th April 2020